

Application No.: 10/760,042
Amendment dated: January 24, 2006
Reply to Office Action of August 23, 2005 and January 20, 2006

REMARKS

Responsive to the Notice of Non-Compliance, the Applicant has amended the claims to include the proper status identifier.

In the course of preparing the instant Amendment, Applicants have noted several minor typographical and reference errors in the Specification which are corrected hereinabove. Entry of the aforesaid Specification corrections is hereby requested.

Applicants note that claims 12-20 stand allowed. Claims 3-10 were objected to as dependent upon a rejected base claim but indicated to be allowable if rewritten in independent form including all limitations of the base claim, that is claim 1, from which they depend. Accordingly, claim 3 has been written in independent form to include all limitations of original claim 1. As a result, it is submitted that independent claim 3 and claims 2 and 4-10 depending therefrom are in condition for allowance.

Claim 1 is amended to include recitations from original claim 15 in covering the subject matter of Figs. 5 and 5A of the drawings. Initially, claim 1 specifies that the first leg is attached to the door jamb laterally outwardly of said guide track. This structure permits pivotal adjustment of the shield to compensate for variations in vertical alignment of the jamb brackets 39 that is not possible in the reverse angle shields of the applied prior art where the shield leg attached to the jamb is interposed between the track and the jamb with the shield maintaining vertical alignment. Further, amended claim 1 recites the tab 40 which extends from the first leg contacting the door jamb to establish a fulcrum 42. The fulcrum permits the shield to be pivotally adjusted to selectively position the first leg angularly inwardly (Fig. 5A) or outwardly (Fig. 5) relative to the guide track 15 to cover variations in the open space between the guide track and the jamb. The reverse angle shield 80 of the Martin '003 patent does not have a tab extending from the leg contacting the door jamb, but rather the reverse angle shield 80 is merely an angle iron which has one leg lying flat against the door jamb with the other leg projecting substantially perpendicular thereto. Thus, the reverse angle shield 80 of the Martin '003 patent is not attached to the jamb laterally outwardly of the tracks, does

Application No.: 10/760,042
Amendment dated: January 24, 2006
Reply to Office Action of August 23, 2005 and January 20, 2006

not have the tab specified in amended claim 1 and cannot be pivotally adjusted to position the second leg angularly inwardly or outwardly relative to the guide track to cover the open space. No such structure or function is contemplated by Rekret U.S. Patent 5,718,276. Accordingly, it is submitted that independent claim 1 and claims 25 and 26 depending therefrom are also in allowable condition.

In view of the above claim amendments and related comments, favorable action on claims 1, 25 and 26 in addition to allowed claims 2-10 and 12-20 is earnestly solicited.

Attorney hereby authorizes the Commissioner to charge payment of the fees associated with this communication Deposit Account No. **18-0987**. The undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **WAY.P.US0091** for billing purposes.

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400
Renner, Kenner, Grieve, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
Attorney for Applicants

Dated: January 24, 2006